

AMENDED IN ASSEMBLY JUNE 3, 2003
AMENDED IN ASSEMBLY MAY 12, 2003
AMENDED IN ASSEMBLY APRIL 30, 2003
AMENDED IN ASSEMBLY APRIL 22, 2003
AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 561

Introduced by Assembly Member Lieber
(Coauthors: Assembly Members Nation and Yee)
(Coauthor: Senator Romero)

February 18, 2003

An act to amend Section 4561 of the Public Resources Code, relating to timber harvest.

LEGISLATIVE COUNSEL'S DIGEST

AB 561, as amended, Lieber. Timber harvest: conservation.

The Z'berg-Nejedly Forest Practice Act of 1973 declares an intent to create and maintain an effective and comprehensive system of regulation and use of all timberlands in order to assure that the goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment. The act also declares an intent to insure a cover of trees of commercial species is maintained or established after timber operations. The act defines minimum

acceptable tree stocking for an area covered by a timber harvesting plan and requires the State Board of Forestry and Fire Protection to adopt standards for each forest district that are equal to or stricter than the minimum standards.

This bill would *declare that “variable retention” is a silvicultural practice and harvest method designed to maintain, enhance, and restore structurally complex managed forests. The bill would require the board, by January 1, 2005, to adopt regulations that define the term “variable retention” and specify which silvicultural practices and harvest methods that are designed to maintain, enhance, and restore structurally complex managed forests meet the requirement of variable retention. The bill would require the board to include specified elements in the regulations and would exclude certain practices and methods from being considered as variable retention in an ecologically meaningful manner.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4561 of the Public Resources Code is
- 2 amended to read:
- 3 4561. It is the purpose of this section to set forth resource
- 4 conservation standards for timber operations, and to insure that a
- 5 cover of trees of commercial species, sufficient to utilize
- 6 adequately the suitable and available growing space, is maintained
- 7 or established after timber operations.
- 8 (a) The following resource conservation standards define
- 9 minimum acceptable stocking, and an area covered by a timber
- 10 harvesting plan shall be classified as acceptably stocked if either
- 11 of the following conditions exist within five years after completion
- 12 of timber operations:
- 13 (1) The area contains an average point count of 300 per acre,
- 14 except in areas that the registered professional forester who
- 15 prepares the timber harvesting plan has determined are site IV
- 16 classification or lower. In those areas, the minimum average point
- 17 count shall be 150 per acre. Point count shall be computed as
- 18 follows:
- 19 (A) Each countable tree that is not more than four inches in
- 20 diameter at breast height to count as one.



(B) Each countable tree over four inches and not more than 12 inches in diameter at breast height to count as three.

(C) Each countable tree over 12 inches in diameter at breast height to count as six.

(2) The average residual basal area, measured in stems one inch or larger in diameter, is at least 85 square feet per acre, except in areas that the registered professional forester who prepares the timber harvesting plan has determined are site II classification or lower. In those areas, the minimum average residual basal area shall be 50 square feet per acre.

(b) The board, on a finding that it is in furtherance of the purposes of this chapter, may encourage selection, shelterwood, or other types of management of timber where consistent with the biological requirements of the tree species and may regulate the size and shape of areas in which even-age management of timber is utilized.

(c) Timberland harvested between January 1, 1974, and the adoption of stocking standards pursuant to this chapter shall be classified as adequately stocked if, as a result of stocking that has taken place subsequent to harvest, the minimum standards specified in this section are met.

(d) Rock outcroppings and other areas not normally bearing timber may not be considered as requiring stocking and are exempt from stocking provisions.

~~(e) (1) On or before January 1, 2005, the board shall adopt regulations pursuant to this subdivision that define the term "variable retention" and specify which silvicultural practices and harvest methods that are designed to maintain, enhance, and restore structurally complex managed forests meet the requirement of variable retention. The board shall include, but is not limited to, all of the following elements in the regulations:~~

~~(A) The percentage of basal area that is required to be retained, in an amount greater than or equal to, 20 percent.~~

~~(B) The minimum size requirement for retained trees, with an emphasis on the majority being live and dead trees of the largest size class.~~

~~(C) The spatial distribution of retained trees.~~

~~(2) Variable retention does not include any of the following practices or methods:~~

- 1 ~~(A) Retention practiced within a standard width Watercourse~~
2 ~~and Lake Protection Zone (WLPZ).~~
3 ~~(B) Standard overstory retention required for Equipment~~
4 ~~Limitation Zones (ELZ) on class 3 watercourses.~~
5 ~~(C) Retention added only at the edge of the harvest unit.~~
6 ~~(D) Seed-tree removal and shelterwood removal harvest~~
7 ~~methods applied to retained trees.~~
8 ~~(E) Except where required for public safety, the harvest of~~
9 ~~retained trees that are subsequently damaged, die, or are blown~~
10 ~~down by biotic or abiotic agents.~~
11 ~~(e) The Legislature finds and declares that “variable~~
12 ~~retention” is a silvicultural practice and harvest method designed~~
13 ~~to maintain, enhance, and restore structurally complex managed~~
14 ~~forests. On or before January 1, 2005, the board shall adopt~~
15 ~~regulations that define the term “variable retention” in an~~
16 ~~ecologically meaningful manner.~~

